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**OFFICE OF PETITIONS**

In re	:
Tang, et al.	: DECISION REGARDING
Application No. 10/784,917	: PATENT TERM ADJUSTMENT
Filed: February 24, 2004	:
Attorney Docket No. 034536-1150	:

This decision is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT", filed November 27, 2006, requesting correction of the patent term adjustment (PTA) indicated on the patent.

The request is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **zero (0) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On September 20, 2006, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is fifty-one (51) days. On November 27, 2006, applicants submitted the instant "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT", stating that in accordance with their duty of candor and good faith, the 51 days of PTA appears to extend the patent term by too many days.

The Office determined a patent term adjustment of fifty-one (51) days based on an adjustment for PTO delay of fifty-one (51) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R.

§ 1.703(a)(1), reduced by zero (0) days of applicant delay.

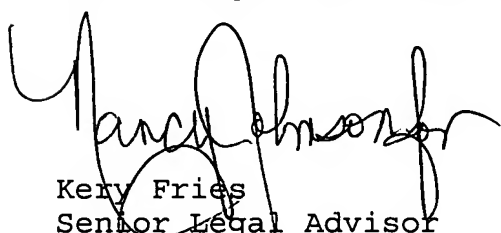
A review of the application reveals that applicants should have been accorded one hundred nine (109) days of delay pursuant to 37 C.F.R. § 1.704(c)(7). On June 17, 2004, applicants filed a petition under 37 C.F.R. § 1.182 to supply a missing drawing figure and accept the date it was filed as the filing date of the application. However, the petition was dismissed in a decision mailed on August 3, 2004, because applicants failed to supply the Office with a copy of the missing drawing figure with their petition. Applicants filed a request for reconsideration and supplied the missing figure on October 4, 2004. Accordingly, under § 1.704(c)(7), applicants should have been assessed delay of one hundred nine (109) days.

In addition, applicants should have been assessed delay of sixty-two (62) days under 37 C.F.R. § 1.704(b). The Office mailed a final Office action on April 6, 2006. Applicants did not file a proper reply until September 6, 2006. Accordingly, sixty-two (62) days of applicant delay should have been assessed.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **zero (0) days** (51 days of PTO delay, reduced by 171 days of applicant delay), subject to any terminal disclaimer.

The matter is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

A handwritten signature in black ink, appearing to read "Kery Fries", is written over the typed name and title.

Kery Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

# PALM INTRANET

Day : Friday  
Date: 3/2/2007  
Time: 17:50:00

## PTA Calculations for Application: 10/784917

Application Filing Date:	02/24/2004	PTO Delay (PTO):	51
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-171		

## File Contents History

Number	Date	Contents Description	PTO	APPL	START
75	03/02/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		109	
74	03/02/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		62	
67	09/20/2006	MAIL NOTICE OF ALLOWANCE			
66	09/18/2006	ISSUE REVISION COMPLETED			
65	09/18/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
64	09/18/2006	NOTICE OF ALLOWABILITY			
63	09/12/2006	DATE FORWARDED TO EXAMINER			
62	09/06/2006	AMENDMENT/ARGUMENT AFTER NOTICE OF APPEAL			
61	09/06/2006	NOTICE OF APPEAL FILED			
60	09/06/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
59	07/20/2006	MAIL ADVISORY ACTION (PTOL - 303)			
58	07/18/2006	ADVISORY ACTION (PTOL-303)			
57	07/12/2006	DATE FORWARDED TO EXAMINER			
56	07/06/2006	AMENDMENT AFTER FINAL REJECTION			
55	04/06/2006	MAIL FINAL REJECTION (PTOL - 326)			
54	04/03/2006	FINAL REJECTION			
53	01/12/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
52	01/12/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	50
51	01/27/2006	DATE FORWARDED TO EXAMINER			
50	01/12/2006	RESPONSE AFTER NON-FINAL ACTION			
49	10/12/2005	MAIL NON-FINAL REJECTION			
47	10/03/2005	NON-FINAL REJECTION			
46	05/05/2004	INFORMATION DISCLOSURE STATEMENT			

		CONSIDERED			
45	02/24/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
44	07/26/2005	DATE FORWARDED TO EXAMINER			
43	07/14/2005	RESPONSE TO ELECTION / RESTRICTION FILED			
42	06/14/2005	MAIL RESTRICTION REQUIREMENT	51		-1
41	06/10/2005	REQUIREMENT FOR RESTRICTION / ELECTION			
40	11/09/2004	PETITION DECISION - GRANTED			
39	10/04/2004	PETITION ENTERED			
37	10/28/2004	CASE DOCKETED TO EXAMINER IN GAU			
36	10/28/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
35	05/05/2004	REFERENCE CAPTURE ON IDS			
34	02/24/2004	REFERENCE CAPTURE ON IDS			
33	06/17/2004	PRELIMINARY AMENDMENT			
32	05/05/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
31	02/24/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
30	08/24/2004	APPLICATION RETURN FROM OIPE			
29	08/24/2004	APPLICATION RETURN TO OIPE			
28	08/24/2004	APPLICATION RETURN FROM OIPE			
27	08/24/2004	APPLICATION IS NOW COMPLETE			
26	06/17/2004	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
25	06/17/2004	APPLICANT HAS SUBMITTED A NEW SPECIFICATION TO CORRECT CORRECTED PAPERS PROBLEMS			
24	08/24/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
23	08/24/2004	APPLICATION RETURN TO OIPE			
22	08/24/2004	APPLICATION RETURN FROM OIPE			
21	08/24/2004	APPLICATION IS NOW COMPLETE			
20	06/17/2004	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
18	08/03/2004	PETITION DECISION - DISMISSED			
17	06/17/2004	PETITION ENTERED			
16	07/22/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
15	07/22/2004	APPLICATION RETURN TO OIPE			
14	07/22/2004	APPLICATION DISPATCHED FROM OIPE			

13	07/22/2004	APPLICATION IS NOW COMPLETE			
11	02/24/2004	CLAIM PRELIMINARY AMENDMENT			
8	05/18/2004	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
5	04/06/2004	CLEARED BY L&R (LARS)			
4	03/26/2004	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
3	03/26/2004	CASE CLASSIFIED BY L&R			
2	03/09/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	02/24/2004	INITIAL EXAM TEAM NN			

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### **EXPLANATION OF PTA CALCULATION**

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